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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,131	06/15/2001	John Russell Watts	50021-00001	8204
23373	7590	03/31/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/883,131	Applicant(s) WATTS, JOHN RUSSELL	
	Examiner Carlos Lugo	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38,39,42-53 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-53 and 56-60 is/are allowed.
- 6) ☒ Claim(s) 38 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>11 June 2003</u> |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on January 28, 2004.

Claim Objections

2. **Claim 38 is objected** to because of the following informalities:
 - Line 18, change "the angular" as -an angular-.
 - Line 18, change "cam in the locking unlocking configurations being" as -cam, in a locking and unlocking configurations of said padlock, being-.
 - Line 20, change "the coupler" as -a coupler-.
 - Line 28, change "in a locking configuration" as -in said locking configuration-.
 - Line 32, change "to an unlocked configuration, and an open, unlocked configuration" as -to an open, unlocked configuration-.
 - Line 34, change "in an unlocking" as -in said unlocking-.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 38 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,998,422 to Borgmann et al (Borgmann) in view of US Pat No 5,377,511 to Meckbach.

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Borgmann discloses a padlock (10) including a shackle (14) having a short leg (26) comprising a first locking recess (32) and a longer leg (30) comprising an opposed second locking recess (32). The longer leg is connected by a longitudinally elongated recess or flat to a peripheral recess (34) disposed towards the end of the longer end.

A casing (12) has a short and a longer recess (36 and 38) extending into the casing from a first end surface to accept the short and longer shackle leg respectively. A central recess (142) extends into the casing from an opposed second end surface. An offset recess (141) extends into the casing from the opposed second end surface and intersects the central recess. The intersection defines a first and second longitudinally elongated cusp portions. A transverse recess (42) extends into the casing from a first side of the casing.

A cylinder (16) has a key operable barrel characterized by an undisplaced position enabling key removal.

The transverse recess supports two opposed balls (20). A first ball is able to protrude into the short recess and first locking recess and a second ball to protrude into the longer recess and second locking recess.

A cam (64) is provided to control the balls. The angular disposition of the cam is determined by a stop (64) comprising a disc-like member and a stop shoulder (88). The stop has a first operative configuration wherein the stop shoulder abuts a wall of the offset recess and a second operative configuration wherein the stop shoulder abuts the opposite wall of the offset recess (at 50).

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The padlock is characterized in that at the closed, locked configuration, the stop is at the first operative configuration, the short and longer legs are restrained from displacement relative to the casing, the cam is at the locking configuration and retains the first ball and the second ball at the first and second locking recesses respectively.

In the open, unlocked configuration, the stop is at the second operative configuration, the short and longer legs are free for displacement relative to the casing, and the cam is at the unlocking configuration and retains the second ball within the longitudinally elongated recess or the peripheral recess.

A cam (64) includes a first cam position (70) comprising a substantially cylindrical portion, defined by a peripheral side, curve surface and a longitudinal axis.

However, Borgmann fails to disclose that the cam includes first, second and third unlocking recesses. Borgmann discloses that the cam only includes first and second unlocking recesses.

Meckbach teaches a padlock having a cam member (25) that includes first, second and third unlocking recesses (26 and 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cam with first, second and third unlocking recesses, as taught by Meckbach, into a padlock as described by Borgmann, in order to take out the shackle from the casing.

Allowable Subject Matter

5. **Claims 42,59 and 60 are allowed.** Claims 43-53 and 56-58 are also allowed because the claims depend from claim 42.
6. **Claim 39 is objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

7. The following is an examiner's statement of reasons for allowance:

Claims 42, 59 and 60 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the coupler projects towards the cam to occupy holes within the cam drive recess in order to have the padlock at the Type 1 or Type 2 configurations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments with respect to the claim rejection to claims 42-53 and 56-58 have been fully considered and are persuasive (accordingly to the new amendment). However, claim 38 has been amended to cancel allowable subject matter. Therefore, claim 38 is now rejected.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
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March 24, 2004.

A handwritten signature in black ink, appearing to read "Robert J. Sandy", with a stylized flourish at the end.

ROBERT J. SANDY
PRIMARY EXAMINER